

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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BOARD OF TRUSTEES, SHEET METAL
WORKERS' NATIONAL PENSION FUND,

Plaintiff,

- against -

CASE NO.
1:13-cv-958
(AJT) (FJA)

COOL SHEETMETAL, INC., THOMAS
RAMMELKAMP, and ALL AROUND
SPIRAL, INC.,

Defendants.

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614 Hempstead Gardens Drive
West Hempstead, New York

June 12, 2015
1:40 p.m.

DEPOSITION OF ALL AROUND SPIRAL, INC., a
Defendant herein, BY ASHLEY KERN, taken by the
Plaintiff, held at the above-noted time and place,
before a Notary Public of the State of New York.

1 Q So Sharon and Richard have been
2 managers from Cool to All Around to Allure?

3 A Yes.

4 Q And what about yourself, would you
5 describe your role as constant over that time?

6 MR. MILMAN: Don't worry about what
7 they say.

8 A I'm sorry, your question?

9 Q Would you describe your role as
10 changing from -- let me rephrase.

11 From the time you began working at
12 Cool until the time you are working now at Allure,
13 has your role changed?

14 A Yes.

15 Q Do you consider yourself to have
16 more managerial role now than you did in 2008?

17 A Yes.

18 Q Do you have the ability to hire and
19 fire people?

20 A Yes.

21 Q And have you ever hired someone?

22 A Yes.

23 Q And have you ever fired someone?

24 A Unfortunately, yes.

ASHLEY KERN

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1 All Around and Cool Sheet Metal." So as a
2 bookkeeper, do you recall instances where All
3 Around had a contract or agreement with Cool?

4 A Not that I know of.

5 Q Did Cool ever work as a
6 subcontractor or vice versa?

7 A I really don't know.

8 Q And there were periods of time where
9 All Around was given checks to Cool, right?

10 A Yes.

11 Q Did you assist in preparing those
12 checks?

13 A Yes.

14 Q Do you remember what those checks
15 were for?

16 A Probably bailing Cool out when it
17 started having problems.

18 Q Do you know if there was ever any
19 agreements to go with those checks?

20 A No.

21 Q Did All Around expect to get paid
22 back?

23 A I don't know.

24 Q Interrogatory number 3.

ASHLEY KERN

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1 record for a second?

2 (Whereupon, a discussion was held
3 off the record.)

4 Q So to the best of your knowledge, is
5 everyone on this list at one point a Cool
6 employee?

7 A I would say yes.

8 Q So these individuals worked at Cool
9 and then worked at All Around?

10 A Correct.

11 Q Okay. So we can skip going through
12 one by one that way. And let's do this one
13 quickly. This is interrogatory number 16. We
14 don't need to make this into a marathon. This is
15 a stack, so we can do this in one question or
16 individually. I'll tell you what I mean by that.

17 MR. MOHL: We can call this 23.

18 (Whereupon, the requested document
19 was marked as Plaintiff's Exhibit 23, for
20 identification, as of this date.)

21 Q So this document is payroll from All
22 Around Spiral. It was produced as part of a
23 separate lawsuit for Lincoln Distributions, but
24 they are related. What I would like to ask you